IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO :6270 of 2006

Dated: 5th June 2006.

Between:

Bosetty Ankamma

..... PETITIONER

AND

The Superintendent of Police, Kurnool district and another

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

W.P.NO.6270 OF 2006

ORAL ORDER:
(Per the Hon'ble Sri Justice D.Appa Rao)

The wife of the petitioner seeks issuance of a writ of Habeas Corpus directing the respondents to produce her husband Bosetty Hanumanthu, who was taken on custody illegally on 24-03-2006, when he went to Koilakuntla Court to attend proceedings in a criminal case.

It is further alleged that after the abovementioned case in the JFCM Court, Koilakuntal, was adjourned, while he was in the court premises, some police personnel in civil dress dragged and thrown him in their vehicle in spite of herself, her son and others protesting the same. It was also alleged that earlier a writ petition was filed in W.P.No.10276 of 2004 and on that he was released.

The second respondent filed counter affidavit stating that the alleged detenu is not wanted in any crime pending with the CCS, Kurnool. After receipt of the communication from the Office of the Advocate General, he caused enquiries in the matter and came to know that the alleged detenu was arrested near State Bank of India, Tangutur branch, by Tanugutur Police of Prakasam district, when he was moving suspiciously at about 02-30 hours on 04-04-2006 and registered a case in Crime

No.43 of 2006 under Section 41 of the Code of Criminal Procedure (for short 'the Code'), later on when he was produced before the Mandal Executive Magistrate, Tangutur, he was released on his executing a bond for keeping good behavior for a period of six months.

Heard the learned counsel for the petitioner and the learned Advocate General.

Since there is a positive mention about the accused being arrested under Section 41 of the Code and also being produced before the Mandal Executive Magistrate, Tangutur, it cannot be said that his arrest and detention was illegal. Therefore, we do not see any possible ground to assume that he was taken by force illegally.

The writ petition is, therefore, dismissed at the stage of admission.

J.Chelameswar, J

D.Appa Rao, J

5th June 2006
mrk